

Message Text

CONFIDENTIAL

PAGE 01 STATE 068135

54

ORIGIN L-03

INFO OCT-01 IO-12 ADP-00 SS-15 NSC-10 NSCE-00 INRE-00

SSO-00 OIC-04 GAC-01 ACDA-19 CIAE-00 DODE-00 PM-09

INR-10 NSAE-00 NASA-04 RSC-01 SCI-06 AF-10 ARA-11

EA-11 EUR-25 NEA-10 EB-11 /173 R

DRAFTED BY L/ UNA- SCNELSON: LCW

4-12-73 X21320

APPROVED BY IO/ UNP- LSTULL

NASA/ I- DR. ANDERSON

NASA/ GC- MR. HOSENBALL

SCI/ SAM- MR. CHAPIN

S/ PC - MR. GATHRIGHT

IO/ UNP- MR. MCINTYRE

----- 052538

O 121547 Z APR 73

FM SECSTATE WASHDC

TO USMISSION USUN NEW YORK IMMEDIATE

C O N F I D E N T I A L STATE 068135

E. O. 11652: GDS

TAGS: TSPA, PFOR, UN

SUBJECT: OUTER SPACE LEGAL: MOON TREATY - NATURAL RESOURCES

REF: (A) USUN 1191

(B) STATE 63090

(C) USUN 1289

1. DELEGATION IS AUTHORIZED TO ACCEPT AND SUPPORT ITALIAN COMPROMISE ARTICLE (PARA 4, REF A) ON NATURAL RESOURCES, AS MODIFIED PER REF C AND PARAS BELOW.

2. REFERENCE THROUGHOUT ARTICLE TO " THE MOON" WOULD BE FOLLOWED BY PHRASE " AND OTHER CELESTIAL BODIES" IN ACCORDANCE WITH OUR POSITION ON SCOPE OF TREATY.

3. PARA 2 OF ITALIAN TEXT WOULD BE REDRAFTED TO ACCOMMODATE
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 STATE 068135

DATE CHANGES SET FORTH PARA 1, REF C. PARA 2 WOULD NOW READ AS FOLLOWS: QUOTE NEITHER THE SURFACE NOR THE SUBSURFACE OF THE MOON OR OTHER CELESTIAL BODIES, OR ANY AREAS THEREOF SHALL BECOME THE PROPERTY OF ANY STATE, INTERNATIONAL INTERGOVERNMENTAL OR NON- GOVERNMENTAL ORGANIZATION, NATIONAL ORGANIZATION OR NON- GOVERNMENTAL ENTITY, OR OF ANY NATURAL PERSON. THE PLACEMENT OF PERSONNEL, SPACE VEHICLES, EQUIPMENT, FACILITIES, STATIONS AND INSTALLATIONS ON OR BELOW THE SURFACE OF THE MOON, INCLUDING STRUCTURES CONNECTED WITH ITS SURFACE OR SUBSURFACE, SHALL NOT

CREATE A RIGHT OF OWNERSHIP OVER THE SURFACE OR SUBSURFACE OF THE MOON OR OTHER CELESTIAL BODIES OR ANY AREAS THEREOF. UNQUOTE.

4. IN ORDER TO AVOID ANY POSSIBLE INFERENCE THAT OTHER PROVISIONS OF ARTICLE (E. G., " COMMON HERITAGE" PRINCIPLE AND BASIC PRINCIPLES OF INTERNATIONAL REGIME) ESTABLISH OR ENVISAGE MORATORIUM ON EXPLOITATION, DELEGATION SHOULD MAKE CLEAR ON RECORD THAT WE CAN ACCEPT THIS ARTICLE ON BASIS OUR UNDERSTANDING THAT IT DOES NOT ESTABLISH MORATORIUM. SPECIFICALLY, IN OUR VIEW, EXPLOITATION WOULD NOT HAVE TO AWAIT THE ESTABLISHMENT OF THE REGIME.

5. DEL SHOULD TRY TO GET " AND THE INTERNATIONAL COMMUNITY" INSERTED AFTER " BY ALL STATES" IN PARA 5 OF ITALIAN TEXT, ALTHOUGH DEL NEED NOT INSIST ON THIS CHANGE.

6. IN PARA 6 OF ITALIAN TEXT, WE WOULD STRONGLY PREFER THAT " COMMON HERITAGE" PROVISION READ AS FOLLOWS: "... ON THE BASIS OF THE PRINCIPLE THAT THE MOON AND OTHER CELESTIAL BODIES AND THEIR NATURAL RESOURCES ARE THE COMMON HERITAGE OF MANKIND". HOWEVER, IF DELEGATION BELIEVES THIS WOULD CREATE SIGNIFICANT DANGER THAT OTHERWISE SATISFACTORY SOLUTION WOULD COME APART, DELEGATION MAY ACCEPT PARA 6 WITH ADDITION OF WORDS " AND OTHER CELESTIAL BODIES" PER PARA 2 ABOVE. IN ANY EVENT, DELEGATION SHOULD MAKE CLEAR OUR UNDERSTANDING THAT NEITHER PARA 6 NOR ANY OTHER PART OF ARTICLE CREATES ANY PROPERTY RIGHT WITH RESPECT TO RESOURCES AND SHOULD NOTE THAT MANNER OF IMPLEMENTATION OF " COMMON HERITAGE" PRINCIPLE
CONFIDENTIAL

CONFIDENTIAL

PAGE 03 STATE 068135

WOULD, OF COURSE, BE SUBJECT OF CONFERENCE REFERRED TO

IN PARA 6. ROGERS

CONFIDENTIAL

*** Current Handling Restrictions *** n/a

*** Current Classification *** CONFIDENTIAL

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts:
Control Number: n/a
Copy: SINGLE
Draft Date: 12 APR 1973
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: thigpegh
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1973STATE068135
Document Source: CORE
Document Unique ID: 00
Drafter: SCNELSON: LCW
Enclosure: n/a
Executive Order: RR
Errors: n/a
Film Number: n/a
From: SECSTATE WASHDC
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1973/newtext/t19730441/aaaaigwq.tel
Line Count: 120
Locator: TEXT ON-LINE
Office: ORIGIN L
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators:
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: USUN 1191, 73 STATE 63090, USUN 1289
Review Action: RELEASED, APPROVED
Review Authority: thigpegh
Review Comment: n/a
Review Content Flags:
Review Date: 03 OCT 2001
Review Event:
Review Exemptions: n/a
Review History: RELEASED <03-Oct-2001 by elyme>; APPROVED <07-Nov-2001 by thigpegh>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: <DBA CORRECTED> gwr 971229
Subject: OUTER SPACE LEGAL: MOON TREATY - NATURAL RESOURCES
TAGS: PFOR, TSPA, UN
To: USUN NEW YORK
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005